

COMMISSIONERS PROCEEDINGS
AUGUST 1, 2006
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Stuart, Morris, and Boldt, Chair, present.

PLEDGE OF ALLEGIANCE

The Commissioners conducted the Flag Salute.

BID AWARD 2450

Reconvened a public hearing for Bid Award 2450 – Sheriff's Duty Weapons. Mike Westerman, General Services, read a memo recommending that Bid 2450 be awarded to the lowest responsive bidder, including trade-in weapons and accessories.

Boldt wanted to know if the bidder gave more for the trade-ins.

Westerman said the dollar amount was higher on the trade-ins.

Stuart asked if this was something that was already budgeted.

Westerman said yes, it was under the Offender Accountability Act account.

There being no public comment, **MOVED** by Stuart to award Bid 2450 to LL Guns of Battle Ground, Washington, meeting all specifications, in the total bid amount of \$58,055.11, including Washington State sales tax, and grant authority to the County Administrator to sign all bid-related contracts. Commissioners Boldt, Stuart, and Morris voted aye. Motion carried. (See Tape 289)

PUBLIC COMMENT

Speaker #1

Leanne Bremer, Miller Nash, commented on behalf of Charles and Deborah Stillman, who had written a letter to the board dated June 5 regarding a request to consider expansion of the Dollars Corner rural center boundary. Ms. Bremer explained that the Stillman's own five acres of property adjacent to the Dollars Corner rural center and have been working with staff over the last four years to try and initiate a docket item for this request. She said they tried again this year, but were informed in April that there's a new requirement in the comp plan whereby 60% approval would be required from all existing property owners in the rural center. There are 113 properties so roughly 68 of them would need to sign a petition in support of expansion. Bremer noted that the new requirement is in the comp plan, not in development code, and there's also case law that states it's a violation of due process to give veto power to adjacent land owners

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over a land use action. She said the Stillman's would simply like the opportunity to be heard during the docket process.

Morris said she didn't believe there was an instance in which the board has delegated, or relinquished, that authority.

Rich Lowry, Prosecuting Attorney's Office, responded that there hasn't been. He said as part of the home business update there had been a proposal to require the consent of neighbors in certain circumstances, particularly if a business is located on a private road. He said he had advised that the validity of that kind of requirement was highly questionable and it was dropped from the ordinance. Lowry said he wasn't aware of any other instance in the code where consent is required, although they certainly require notice and an opportunity to be heard.

Stuart said he would like to discuss the history of this and how it came to be included in the comp plan and asked that they have a work session.

Marty Snell, Director of Community Planning, said that question came up during a meeting and Gordy Euler had remembered that the 60% came out of the Rural Center Task Force and was similar to the number for a petition to annex. Snell stated that Ms. Bremer had asked that her clients be considered for the '07 docket and he said that once the plan language regarding the 60% is addressed, that would be a good path forward.

Morris asked where the language could be found in the comprehensive plan.

Lowry reiterated that the language in the plan, not in the code, and code requires that for changes in rural center boundaries they comply with the policies of the plan.

Snell explained that in the plan policies 60% approval is needed to form a new rural center and that continued to a request to expand into a rural center, which he believes might have been a mistake.

Morris wanted to know if that language change was a part of this year's comp plan update.

Snell said it could be.

Morris said it seemed reasonable to make that change, but agreed they should have a work session.

Speaker #2

Joel Stirling expressed his appreciation to the board for their interest in the Washougal Motocross facility.

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CONSENT AGENDA

There being no public comment, **MOVED** by Stuart to approve items 1 through 13.
Commissioners Boldt, Stuart, and Morris voted aye. Motion carried. (See Tape 289)

PUBLIC HEARING: EXTENSION OF AN EMERGENCY ORDINANCE SUSPENDING THE
INTERCHANGE OVERLAY DISTRICT PLAN MAP AMENDMENT CRITERIA

Held a public hearing to consider adopting an ordinance that would extend for four additional months the temporary suspension of the Interchange Overlay District plan map amendment criteria in CCC 40.560.010(R). The provisions of this code section were previously suspended by an emergency ordinance approved on June 6, 2006 (Ordinance 2006-06-01).

Mike Mabrey, Department of Community Planning, explained that this was a request to approve an ordinance extending the current emergency ordinance, which is set to expire on August 8, 2006. He said they received direction at the July 18 work session and are ready to move forward with revising the interchange policy, but simply need the time necessary to make changes.

There being no public comment, **MOVED** by Stuart to approve Ordinance 2006-08-01 – Extension of Emergency Ordinance suspending the Interchange Overlay District Plan Map Amendment Criteria. Commissioners Boldt, Stuart, and Morris voted aye. Motion carried. (See Tape 289)

PUBLIC HEARING: HAZEL DELL SQUARE OREGON, INC. DEVELOPMENT
AGREEMENT

Held a public hearing to consider the approval of a Development Agreement with Hazel Dell Square Oregon, Inc. under which additional traffic impact fee credits would be provided for regional improvements to be made at the Hazel Dell Avenue/NE 78th Street Intersection.

Steve Schulte, Department of Public Works, described some graphs outlining the improvements that Hazel Dell Square would be making at the intersection of 78th Street and Hazel Dell Avenue. Mr. Schulte said the improvements would allow more traffic on that intersection and delay time would go down for everyone. He said the agreement would require the board to make best efforts to increase the project costs shown on the county's CFP to \$908,860 for the regional improvements at the subject intersection. He noted that while \$500,000 is presently shown on the county CFP, the detailed cost estimates were completed and actual costs are now an estimated \$908,860. He said one benefit of the intersection improvements would be an increase in travel speed from 21.5 MPH to 23 MPH. He also noted that all right-of-way acquisition under this agreement would be the developer's responsibility.

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Boldt asked if they would be close to capacity as a result of the improvements and additional new traffic.

Schulte said no. He said the standard is 17 MPH and the operating level is currently 21.5, but that will jump up to 23. He said they also gain on the Hazel Dell Avenue corridor, although not quite the 1.5 MPH they gain on 78th Street.

Stuart asked *Schulte* if he believed concurrency would require these improvements for these projects.

Schulte said concurrency didn't require the three improvements shown in the graphs. He said this was in part a proactive play by the developer.

Boldt said if they increase the traffic speed and there's more volume he wondered if this would give the Port an open space to fill with truck traffic.

Schulte said it was true that the higher levels on 78th Street, 99th Street, and 134th Street could induce more traffic out to the north, but whether 1.5 MPH would be enough to do that, he wasn't sure. Conceptually, the more free-flow speeds they have in the unincorporated county, the more the chance Port traffic could move to the north.

Morris wanted to know how much congestion was being anticipated from the signal at 5th that required this massive expansion, and if the C-TRAN park & ride at 199th had a role to play or pay in this expansion. She asked for more justification.

Randy Printz, 805 Broadway, representative of the applicant, stated that the intersection is already on the Capital Facilities Plan and TIF list and identified as a facility that has regional significance and benefit. He noted that one of the problems was that the cost estimates were done quite awhile ago and greatly underestimated and part of this process was about making the CFP accurately reflect the cost. *Printz* said this infrastructure would be the ultimate infrastructure needed for the eventual redevelopment of the Hazel Dell area.

Morris asked if everything [the developer] was doing was already in the CFP or if more concrete was being added than originally called for.

Printz said he thought it was about the same.

Morris asked if expansion on the east side of Hazel Dell Avenue to the north of 78th was also being done, or just the south side.

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Printz said they would be doing some of the north also.

[Discussion continued.]

Schulte referenced a graph showing the extent of the widening on the east side, which goes well to the north and south to get the dual turn lanes cut in. He said that's also a reason the cost has gone up.

Boldt asked what would happen when the vacant land on the other side develops.

Printz said if it was developed it would pay TIF.

Stuart stated that this was a good example of how they can build infrastructure improvements now when the land is available and costs less and that hopefully this would set a model for other areas in the county for getting ahead of the curve.

There being no further comment, **MOVED** by Stuart to approve Resolution 2006-08-02 – Hazel Dell Square Oregon, Inc., Development Agreement. Commissioners Boldt, Stuart, and Morris voted aye. Motion carried. (See Tape 289)

COMMISSIONER COMMUNICATIONS

There were no comments.

2:00 P.M. PUBLIC BID OPENING

Present at bid opening: Louise Richards, Board of County Commissioners Office; Mike Westerman, General Services-Purchasing Department

BID OPENING 2451

Held a public hearing for Bid Opening 2451 – Sheriff's Rifle Accessories. Mike Westerman, General Services, opened and read bids and stated that it was the Purchasing Department's intention to award Bid 2451 on August 8, 2006 at 10:00 a.m., in the Commissioners' hearing room of the Clark County Public Service Center, 6th Floor. (See Tape 289)

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BOARD OF COUNTY COMMISSIONERS

Marc Boldt/s/
Marc Boldt, Chair

Steve Stuart, Commissioner

Betty Sue Morris/s/
Betty Sue Morris, Commissioner

ATTEST:

Louise Richards/s/
Clerk of the Board

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